

Meeting of 2006-5-09 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 9, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk

Mayor Purcell called the meeting to order at 6:08 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Charles Whitlow, Union Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four

Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

CERTIFICATE OF APPRECIATION FOR REIKO TSUYUZAKI

Mayor Purcell introduced Reiko Tsuyuzaki and Susan Smith.

Ms. Smith stated that Ms. Tsuyuzaki has been teaching Japanese Culture at Edison, Lincoln and Crosby Park Schools.

Mayor Purcell presented a Mayor s Certificate of Appreciation to Ms. Tsuyuzaki.

PRESENTATION OF PROCLAMATION FOR WORKFORCE DEVELOPMENT PROFESSIONALS MONTH

Mayor Purcell introduced Charles Sutterfield and presented a proclamation for Workforce Development Professionals Month.

PRESENTATION OF PROCLAMATION FOR CHILD CARE PROVIDER APPRECIATION DAY

Mayor Purcell presented a proclamation to Mary McGee proclaiming May 9th as Child Care Provider Appreciation Day.

AUDIENCE PARTICIPATION:

Joe Bailey, 2723 NE Euclid, stated he had a question about the survey regarding the trash pilot program. He conferred with several of his neighbors and no one was contacted. He questioned how the survey was conducted.

Mitchell stated staff randomly chose 200 customers that were contacted by phone.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF APRIL 11 AND APRIL 25, 2006.

(This item was not addressed and was placed on the agenda for May 16, 2006)

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with

one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Warren requested item #6 be considered separately. Jackson requested item #5 and Shanklin requested #23 be considered separately.

MOVED by Patton, SECOND by Haywood, to approve the Consent Agenda items as recommended with the exception of items 5, 6 and 23. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Sheila Burgamy in the amount of \$6,000.00, Ron & Janeen Goodman in the amount of \$905.00, Martin & Terese Kinast in the amount of \$50.00, Patsy Wetmore in the amount of \$355.01, Southwestern Bell Telephone in the amount of \$1,180.67, and Southwestern Bell Telephone in the amount of \$544.77. Exhibits: Legal Opinions/Recommendations. **Resolution No. 06-72, Resolution No. 06-73, Resolution No. 06-74, Resolution No. 06-75.**

2. Consider ratifying the action of the City Attorney and the City Manager determining that an appeal was not warranted in the Workers Compensation case of Pamela Carmon in the Workers Compensation Court, Case No. 2005-15497X. Exhibits: None.

3. Consider ratifying the actions of the Lawton Water Authority by approving an Amendment to the Oil and Gas Lease with Chesapeake Exploration Limited Partnership, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: Request letter and Location map.

4. Consider authorizing litigation in the City's collection efforts to recover damages to a City vehicle caused by a vehicle owned and operated by Travis Spencer. Exhibits: None.

5. Consider declaring surplus two lights bars and switch boxes to be sold by the Lawton Police Department to Cox's Store Volunteer Fire Department. Exhibits: Letter from Cox's Store Volunteer fire Department.

Jackson questioned if this was all the surplus equipment we have available or if there was anything else we can donate to the local area volunteer fire departments.

Chief Ronnie Smith, Lawton Police Department, stated they do have other items, but this is all that was requested.

Jackson requested that staff make a list of those items that are in surplus and offer these items to the rural fire departments.

Chief Smith stated he has been in contact with those fire departments and have offered to donate any surplus items they may need.

Warren suggested staff might list these items on our website.

Mitchell stated staff will gather a list of surplus property and get it posted.

MOVED by Jackson, SECOND by Warren to approve the sale for the sum of \$1 each 2 light bars with switch boxes to be paid by Cox's Volunteer Fire Department. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

6. Consider adopting a Resolution authorizing the installation of traffic control measures on NW Arlington Avenue from 31st Street. to 35th Street, SW 3rd Street and A Avenue intersection, 200 block of SW B Avenue, and NW 72nd Street and Kingsbury Avenue intersection. Exhibits: Traffic Commission Minutes and Resolution No. 06-__.

Warren stated he only has a problem with item number three. His issue is that he does not know if we want to start down that road of giving preferential parking spaces to business owners. That is not what they are asking for, but that is what we would be doing. We could have four or five businesses down C Avenue decide they want to have delivery vehicles and they want a couple of parking spaces removed. If this isn't a suitable place to house this business, he cannot understand why it is there.

Vincent stated he was not aware this was in the public right of way until it was just mentioned. There will be a problem and staff should look again at item number three.

Shanklin questioned why staff recommended these items.

Mayor Purcell stated that the Traffic Commission made the recommendations.

MOVED by Warren, SECOND by Patton to adopt **Resolution No. 06-76** authorizing the installation of traffic control measures on NW Arlington Avenue from 31st Street to 35th Street, SW 3rd Street and A Avenue intersection and NW 72nd Street and Kingsbury Avenue intersection. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

7. Consider adopting **Street Light Resolution No. 444** to authorize the installation of street lights at various locations listed in the Resolution. Exhibits: Street Light Resolution No. 444.

8. Consider authorizing the Mayor and City Clerk to execute a contract with GBA Architects, Inc. for the design of the Animal Welfare Building Project #2006-6. Exhibits: Agreement is on file in the Engineering Division Office.

9. Consider amending the agreement for receiving pretreated wastewater at the Wastewater Treatment Plant from the City of Geronimo and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Agreement is on file in the City Clerk s office.

10. Consider authorizing the Mayor and City Clerk to execute a Cooperative Agreement with Comanche County for the exchange of specified roadway services. Exhibits: Agreement is on file in the City Clerk s office.

11. Consider entering into an agreement with the Association of South Central Oklahoma Governments (ASCOG). The agreement authorizes the ASCOG to send 9-1-1 fees to the City of Lawton. Exhibits: Agreement Sent by the ASCOG, Direct Deposit Request sent by the ASCOG, Email sent by ASCOG, Spreadsheet sent by ASCOG.

12. Consider accepting a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2006-2007 funding. Exhibits: Contract is on file in the City Clerk s office.

13. Consider endorsing the Federal Fiscal Year 2006-2007 Unified Planning Work Program (UPWP) for the Lawton Metropolitan Transportation Planning Process. Exhibits: FFY 2006-2007 UPWP is on file in the City Clerk s office.

14. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization (LMPO) for metropolitan transportation planning for Fiscal Year 2006-2007 for the Lawton Metropolitan Area and authorize the Mayor to execute. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton.

15. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization (LMPO) for Congestion Mitigation Air Quality Campaign during Fiscal Year 2006-2007 and authorize the Mayor to execute. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton.

16. Consider extending the contract (RFPCL04-053) Employee Assistance Program with Deer Oaks Mental Health of San Antonio, Texas. Exhibits: Department Recommendation, Contract Extension Form, Abstract of Bids.

17. Consider extending the contract (RFPCL04-054) Group Health and Dental Plan Administration Service with Blue Cross Blue Shield of Oklahoma.. Exhibits: Department Recommendation, Contract Extension Form, Staff recommendation from original RFP.

18. Consider extending the contract (RFPCL04-062) Rental or Lease Work Clothing with Cintas Corporation of Lawton, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form, Cost Comparison from original proposal.

19. Consider extending the contract (RFPCL04-063) Pre-sort Mailing Service with Southwest Mailing Service of Lawton, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form, Abstract of Bids.

20. Consider extending the contract (RFPCL04-065) Long Distance Telephone Service with SBC of Oklahoma City, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form, Abstract of Bids.

21. Consider extending the contract (RFPCL04-066) Annual Audit City & Employee Retirement with John M. Arledge & Associates, PC of Edmond, OK. Exhibits: Department Recommendation, Contract Extension Form, Cost Comparison from original proposal.

22. Consider extending the contract (RFPCL05-039) Neighborhood Nuisance Abatement with Booker Tree Service of Chattanooga, Oklahoma. Exhibits: Department Recommendation, Contract Extension Form.

23. Consider approving appointments to boards and commissions. Exhibits: None.

Shanklin questioned if the Engineering Selection Committee was being revised. It has not been active for four or five years.

Mayor Purcell stated they needed to reactivate the committee for things that will be coming up. Most of the members are no longer on the City Council.

MOVED by Shanklin, SECOND by Haywood to approve the appointments to boards and commissions. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

24. Consider approval of payroll for the period of April 10-23, 2006. Exhibits: None.

Mayor Purcell requested that item #26 be addressed.

26. Hold a workshop and a public hearing to consider the Consolidated One-Year Action Plan for FFY 2006, receive input from citizens, and provide input for development of the plan. Approve the Plan and pass a resolution authorizing the execution of the plan and authorizing the Mayor and City Clerk to execute the implementing documents necessary to implement the Consolidated One-Year Action Plan for FFY 2006. Exhibits: A copy of the Consolidated One-Year Action Plan for FFY 2006 is on file at the City Clerk s Office. Exhibits: A copy of the Consolidated One-Year Action Plan for FFY 2006 is on file at the City Clerk s Office.

Tim Libby, Grants and Fiscal Officer, stated they have the recommendations that were made from the May 2nd meeting and all they need to do is hold the public hearing and take input from citizens, make changes necessary and approve the plan.

PUBLIC HEARING OPEN

Odell Gunter, Executive Director of the Great Plains Improvement Foundation (GPIF), requested that the City Council not approve page 20 of the 2006 Consolidate One-Year Action Plan because of some misleading information on that page.

Mr. Libby stated that Mr. Gunter is referring to the actual plan that was on file in the City Clerk s office. He stated he felt they had reached an agreement, but obviously there is still a disagreement.

Mr. Gunter stated a question was asked at the workshop on May 2, 2006 regarding these statements. He did not respond to any questions at the workshop because he wanted to make comments official at the public hearing so they may be included with the consolidated plan that will be sent to HUD. The comments are regarding the action to enhance coordination between public and private housing and social service agencies. He stated in the consolidated plan, there were comments made that has a reflection on GPIF as the continuum for the Southwestern part of the state. He distributed a packet of information to each council member. He stated the State of Oklahoma, through the Department of Commerce, allocates the balance of state money. Lawton has \$116,979 that they can apply for directly from HUD. The City of Lawton has never applied for the federal dollars. They could have dating back to 1987. Oklahoma City and Tulsa applies directly to HUD for their dollars and they are considered a continuum. Great Plains Improvement Foundation was asked three years ago to be a part of the continuum for the City of Lawton. After the first year, they applied for the HMIS through ODOC and were awarded a one year contract. Last year they submitted another application and were awarded a two-year contract. This contract will allow them to work with social service agencies within the state in the southwest region. They are the lead agency for fifteen other counties in this area. He questioned the statement they have not developed a mission statement, long range goals and objective of milestone to achieve the goals and objectives. He stated the information distributed does contain a mission and vision statement from GPIF. They have mission statements in place to cover all of their programs. He also distributed a resolution approved by their board of directors that show they support affordable housing for all individuals in the service area. They do have strategies and goals in place and they are a part of the Oklahoma State plan. He questioned the statement the overall lack of detail plans to assist chronic homelessness and lack of transitional and permanent housing. He stated in this information is a list of sixteen transitional houses that they have for individuals who come out of the shelter who can find a job and pay rent. They have had that program since 1992. He stated there is also a list of houses they have built within the past three years. The ironic thing is that money comes through the City of Lawton to the HOME program. They have permanent housing in the city of Lawton through GPIF and also provide affordable rental properties in the community. He stated another sentence he questions is in spite of being warned that the portion of the allocation does not and will not meet minimum funding level for future approvals of the application. Both of their

applications have been approved by ODOC. He does not recall any time the City of Lawton reviewed those applications. They were asked by ODOC to be the lead agency for the Southwestern part of the state which included the sixteen county areas. They feel that they are doing what is necessary to manage a good continuum of care and they feel that those remarks are derogatory in the sense that they are not doing what they need to do as a continuum. He requested the support of the City Council in not approving that page in the plan because of these statements made and he would like to submit their comments in writing to be placed with the Consolidated Plan.

Givens stated he brought this up the previous week just so that they could work this out. He stated that maybe these objections are valid and maybe they are not, but they are at a loss as to what to do. He stated if Mr. Gunter was having a problem with staff, they could have talked about it this week instead of coming here tonight and throwing this all on people who are not that familiar with the program. He felt the best thing was to approve this plan and let Mr. Gunter file an official objection.

Haywood stated that Mr. Gunter is just asking to delete page 20 of the plan.

Givens questioned why they didn't deal with this during the week.

Mr. Gunter stated to make this official, he felt his comments needed to be made at the public hearing. He did not want the plan to go to HUD without some response.

Givens stated he is not in favor of changing it now, they should have worked something out during the week.

Shanklin stated Mr. Gunter should be able to rectify any erroneous statements.

Libby stated these are not erroneous statements, but are the opinion of Mr. Gunter. He stated what Mr. Gunter just covered is irrelevant to page 20. They like what GPIF does and they did meet with them this week regarding these issues. The GPIF does have a mission statement, but the continuum does not. He has tried to put into writing exactly where the current shortfalls are.

At the original meeting of the continuum, they said that staff at the City of Lawton was too small to try and start up a continuum, so GPIF volunteered and city staff supported that decision. They were the best organization, on paper, to handle that since they run the shelter and do have supportive and transitional housing. He stated GPIF thinks he is just trying to pick on them and he is not, he is trying to come up with a system. He asked that the City Council not change anything in the plan. He stated he can back up all of the statements with facts.

Haywood questioned why HUD would okay the HMIS application if GPIF was not in compliance.

Libby stated he did not say they weren't in compliance. He stated they did not meet the minimum funding guidance.

Givens questioned if it would be possible for staff to reword that page and say that staff expressed concerns in those areas rather than they didn't do specific things.

Mayor Purcell stated that maybe the way to go is to submit the report but include the comments that Mr. Gunter has requested as part of the report. He read those comments which were submitted by GPIF in response to the allocations included in the report.

Shanklin stated he did not know what the argument was.

Givens stated the argument is that staff has one idea about this process and he feels they severely criticized GPIF. He stated GPIF has another idea about what they think the process is and they can't agree. He suggested that staff just put in the plan that they express concern in these areas instead of being so harsh.

Shanklin questioned if GPIF was the one who did not apply for that \$116,000 or was it us.

Haywood stated it was us.

Shanklin questioned whose error it was.

Mayor Purcell stated someone applied for it.

Libby stated that GPIF, though the SuperNOFA is applying, or was, applying for the balance of those state funds. Those three years of grant money came through their application to ODOC for the balance of state funding. Prior to that, nobody applied for that, the money was available in the city and nobody was aware that it was there until they started researching the continuum. Most of the statements made about GPIF are irrelevant to what they wrote. He stands firmly by what he wrote, but he would welcome their comments to be included. That is why they have a public review process.

Mr. Gunter stated they were asked to take this, he did not volunteer.

Jackson stated several council members are struggling here to catch up with what's going on. He questioned if the statements made tonight are going to cause any monetary problems with the application process to the City of Lawton or GPIF.

Mr. Gunter stated no.

Jackson questioned if they are simply arguing over semantics in an application process. He questioned if this could be corrected just by attaching Mr. Gunter's letter.

Mr. Gunter stated that HUD has been sent their comments, but he would hope that the City Council considers those comments as a reflection of GPIF and a reflection of his leadership.

Jackson stated he has been involved in a few of the GPIF projects and he thinks they are very worthy, but he cannot see why they cannot just include their letter as part of the application process.

Mr. Gunter asked if they would want to send this out of this community which will reflect on a non profit in this town. He stated they are telling HUD that we don't have affordable housing, and we do.

Jackson questioned if these comments be corrected and let's move on.

Mr. Gunter stated he distributed the factual information. When they first started the continuum and had the first meeting, there were fifteen individuals that came to that meeting. Since that time they have had a number of entities involved in the program. They have done what they feel is necessary to make this thing work. These comments are a reflection on GPIF.

Jackson stated this body would not make those statements.

Mr. Gunter stated that they are allowing these comments to go out of the city.

Jackson stated they have not gone out yet.

Mr. Gunter stated all of their applications have been legitimate applications. HUD grants are very competitive. They have earned to the point where they can submit exhibits to HUD and give the non profit organizations in town an opportunity to receive funding through the continuum. They have four agencies who will submit applications along with their exhibits. They can receive money through their applications. Since 1987, look at how much money the city has lost because no one decided to apply directly for that money. That money is an annual allocation that could have been used by some non profit organizations in this town and we did not take advantage of this. In one year they have done what the City of Lawton could not do in sixteen years.

Shanklin questioned why Mr. Gunter did not tell someone about this money.

Mr. Gunter stated the City of Lawton staff attended the same meetings that he did. At one time the ODOC came here and hosted meetings to inform about what money was available if they would apply directly to HUD. All he is asking is that the City Council look at the sheet he distributed, make changes that need to be made and submit it with the plan.

Jackson stated he does not believe the City Council has the knowledge and capabilities to make these changes. They probably want to make those changes, but he questioned if they can.

Virginia Spencer, Administrative Assistant for Great Plain Improvement Foundation, stated that they attended a meeting with Mr. Libby and was asked if GPIF would take the lead and she stated she said no, she did not want it, she knew what was out there. She stated Mr. Libby and Mr. Aplin met with Mr. Gunter and persuaded him to take the lead for the continuum in Lawton, because city staff did not have the capacity to do it and they would work with GPIF and support them. As of this day, GPIF has received no resolution of support from the City of Lawton. City staff has even stopped coming to the monthly continuum of care meetings. She feels that there are some things that need to be put out before the City Council. She stated they have worked hard with the homeless, ODOC and housing projects.

Shanklin questioned if this issue had to be settled tonight.

Mayor Purcell stated he thought this was due tomorrow.

Libby stated this can be delayed. All the delay affects is when the City of Lawton gets the funding. He stated he

would actually enjoy providing the information to back the statements that he made in the document.

Vincent questioned if they could just submit the report but submit that one page at a later date.

Libby stated they could that, but they would have to have another thirty day review process.

Jackson stated he would recommend that the City Manager get with the necessary people and get this issue resolved as soon as possible.

Givens stated they don't want to go through all the public reviews again all over one letter. He suggested they continue the public hearing for two weeks. He had hoped they could have resolved this earlier.

Mayor Purcell stated they do not want to hold up funding for the other agencies. He questioned if they could approve this plan tonight.

Shanklin stated he would like to see them table this issue for two weeks.

MOVED by Shanklin, SECOND by Jackson to continue the public hearing to the May 23, 2006 City Council meeting and direct the City Manager to clarify this issue. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

OLD BUSINESS ITEMS:

25. Hold a public hearing and consider an ordinance amending Section 6-1-5-185, Division 5, Article 1, Chapter 6 and Section 21-6-606, Article 6, Chapter 21, and creating Section 18-4-1-414, Division 1, Article 4, Chapter 18, Lawton City Code, 2005, by requiring surfaced walkways and consider Resolution No. 06-___ establishing the fee in lieu of constructing the walkway. Exhibits: Ord No 06-___, Res No. 06-___.

Richard Rogalski, Planning Director, stated at the December 13, 2005 meeting, the City Council expressed an interest in expanding requirements for surfaced walkways (sidewalks) to include new building permits for commercial construction. Currently surfaced walkways are required in new residential and commercial subdivisions. The individual home or building contractor constructs such walkways along the lot frontage at the time the structure is built.

An ordinance was prepared that would require the installation of walkways along street frontages with the new construction of multi-family units, apartments, offices, commercial buildings, schools, and churches. The ordinance also amends the current provisions for walkways in plats to require the developer to build walkways in all locations other than lot frontages. Most developers of subdivisions have been doing this in practice. This code amendment would sanction this practice requiring the construction of walkways along the street frontage of any park, open space, or drainage facility.

Because the proposed code amendments involve both the zoning and subdivision codes the City Planning Commission held a public hearing on March 23, 2006. No one spoke at the public hearing, and the CPC unanimously recommended approval of the ordinance to the City Council.

On April 25th the Council opened a public hearing on this matter but continued it until May 9th in order that the ordinance could be amended to provide for a fee in lieu of constructing walkways for a commercial site based upon its unusual size, shape, topography or unique geographic location. The proposed ordinance has been amended for the fee in lieu of constructing provision. If the Director of Planning denies the developer's request to pay the fee in lieu of constructing the walkway; the question would be placed before the Lawton Enhancement Trust Authority for their review and recommendation to the Council. City Council would make the final decision on the payment of the fee in lieu of construction. The fee recommended is \$4.67 per square foot of walkway.

Patton questioned in an R-1 situation, what are the requirements if he bought the lot next door.

Rogalski stated there is a requirement for sidewalks on all the streets, however Chapter 6 allows the sidewalk to be constructed along with the building permit. Any time a home is not constructed, there is no provision for construction of a sidewalk.

Patton questioned if they would be required to pull a fence permit.

Rogalski stated they are really looking for a building permit on home construction. A fence permit might have fallen through the cracks. There are these little loopholes.

Vincent stated the code states that residential plats, both R-1 and R-2, have to have sidewalks. He stated Mr. Patton is talking about old construction plats where sidewalks were not required, and there are gaps.

Patton questioned how old would they have to be.

Vincent stated this was not required even up to the early 1980 s.

Drewry stated that Mr. Patton has a good point. If someone buys two lots and builds a house, do they only have to put a sidewalk on one lot?

Vincent stated if they are under a construction plat in today s code, they must build a sidewalk across their frontage.

Mitchell questioned if the fee would be adjusted annually by an inflation factor.

Rogalski stated they do not have any kind of an annual adjustment built in, but if they saw that it was not working they could bring it back.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Shanklin questioned what the term fee in lieu of meant. Does that mean if he doesn t want to build it, staff will charge him \$4.67 a square foot.

Rogalski stated if a developer comes in and says there is some reason he does not want to build the sidewalk, they would come to his office and he would review their proposal. If he felt that it was not a critical location for a sidewalk, they would pay that \$4.67 per square foot which would be held in an account and the Lawton Enhancement Trust Authority would determine some projects to be completed with these funds. The cost was determined by Public Works and includes labor and material.

MOVED by Warren, SECOND by Givens to approve **Ordinance No. 06-12**, waive the reading of the ordinance and read the title only and approve **Resolution No. 06-77** establishing the fee in lieu of walkways. AYE: Shoemate, Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: Shanklin. MOTION CARRIED

(Title read by City Attorney)

Ordinance 06-12

An ordinance pertaining to buildings and planning and zoning amending Section 6-1-5-185, Division 5, Article 1, Chapter 6, Lawton City Code, 2005, by amending the requirements for surfaced walkways as part of the building permit; creating Section 18-4-1-414, Division 1, Article 4, Chapter 18, Lawton City Code, 2005, requiring surfaced walkways in certain zoning districts; amending Section 21-6-606, Article 6, Chapter 21, Lawton City Code, 2005, amending the requirement for surfaced walkways; providing for severability and codification.

NEW BUSINESS ITEMS:

27. Hold a public hearing to consider changes to the Consolidated One-Year Action Plans for FFYs 1996, 2001, 2002, 2003, 2004, and 2005 to receive input from citizens; provide input for the final plan change. Pass a resolution revoking Resolutions 01-68, 02-64, 03-7804-44, 05-91, and approve the changes to the FFY 1996, 2001, 2002, 2003, 2004, and 2005 Consolidated One-Year Action Plans authorizing the Mayor and City Clerk to execute the implementing documents. Exhibits: Exhibit A: FFYs 1996, 2001, 2002, 2003, 2004, and 2005 Consolidated One-Year Action Plans, and their respective changes with the Funding Allocation Summary for the Consolidated One-Year Action Plans for affected Federal Fiscal Years. Exhibit B: Res 06-__ Authorizing the Filing of the Changes to the Consolidated One-Year Action Plans for FFYs 1996, Change 2; 2001, Change 2; 2002, Change 3; 2003, Change 2; 2004, Change 2; 2005, Change 1. (The proposed revision is also on file in the City Clerk s office).

Libby presented slides of those projects staff has suggested for cancellation and where they will get the funds. He presented a slide of suggested uses for those funds. They recommend increasing the size of the water line for the 2nd Street water line project as part of the Downtown Enhancement Project. The northwest main waterline, instead of \$30,000, they suggested increasing that amount to \$100,000. The 16th Street drainage improvement project will be completed with the additional funds. He stated they are asking that the left over money from the LUHA project be used by Habitat for Humanity to build home approximately ten homes.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Drewry to approve **Resolution No. 06-78** revoking Resolutions 01-68, 02-64, 03-7804-44, 05-91, and approve the changes to the FFY 1996, 2001, 2002, 2003, 2004, and 2005 Consolidated One-Year Action Plans authorizing the Mayor and City Clerk to execute the implementing documents. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED

28. Hold a public hearing and consider an ordinance closing the eastern five feet (5) of the right-of-way of NW 6th Street abutting Lot 9, Block 17, North Addition, also know as 515 Dearborn Avenue. Exhibits: Ordinance No. 06-___, Application, Location Map and Survey.

Rogalski stated an application to close a five feet strip of right-of-way of NW 6th Street abutting 515 NW Dearborn Avenue has been submitted by Mr. Ralph Newcombe on behalf of Mr. Brian Birdwell. Mr. Birdwell owns Lot 9, Block 17, North Addition. The applicant is requesting the closure of a portion of the NW 6th Street right-of-way to clear the title of the property. According the application, the existing structure was constructed over the right-of-way 63 years ago.

Notice of public hearing was mailed on March 31, 2006 to property owners within 300 feet of the requested area and to utility companies, and proper notice was published in *The Lawton Constitution* on April 23, 2006. No objections to the closure have been received.

He stated if the Council approves an ordinance closing the requested area, the applicants intend to petition District Court to have the five feet of right-of-way vacated.

Patton questioned why the area is so large.

Rogalski stated this is an area where the right of way is fairly wide. It is 40 on each side, so it is an 80 right of way in a residential zone. Most of the front yard is actually right of way.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren, SECOND by Haywood to approve **Ordinance 06-13**, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED

(Title read by City Attorney) Ordinance 06-13

An ordinance closing the eastern five feet (5) of the right-of-way of NW 6th Street Abutting Lot 9, Block 17, North Addition, addressed as 515 NW Dearborn Avenue, more particularly described in Section One Hereof .

29. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Commercial to Residential/Low Density and Residential/High Density and an ordinance changing the zoning from C-3 (Planned Community Shopping Center District) to R-1 (Single-Family Dwelling District) and R-4 (High Density Apartment District) zoning classification located approximately at 4001 East Gore Boulevard. Exhibits: Resolution No. 06-___, Ordinance No. 06-___, Location Map, Applications and Draft CPC Minutes.

Rogalski stated this request is to place proper zoning on 14 acres of land which will be developed as Regal Estates Addition, Part 6 and to rezone a residual tract to the adjacent zoning classification of R-4. The Code requires a minimum of 10 acres for C-3 zoning, and the residual tract would be less than 10 acres. The owners of the tract are Frank L. Richards 1992 Trust and 2020 Development of Lawton, Inc.

The zoning of the surrounding area is A-1 (General Agricultural District) and P-F (Public Facilities District) to the north, R-4 to the south and west, and C-3 to the east. The land use of the surrounding area is Eastside Park and MacArthur High School to the north, and vacant to the south, east and west. The current land use of the requested area is vacant. The applicants propose to develop the R-1 area as a single-family residential subdivision (Regal Estates, Part 6).

On April 13, 2006 the City Planning Commission held a public hearing on this request. One person spoke during the public hearing seeking clarification of what was proposed for this area, but had no objection. The CPC, by a vote of 7 - 0, recommended approval of the request.

Notice of public hearing was mailed on April 18, 2006 to 11 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on April 23, 2006.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Jackson, SECOND by Drewry to adopt **Resolution No. 06-79** and **Ordinance No. 06-14**, waive the reading of the ordinance, read the title only. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED

An ordinance changing the zoning classification from the existing classification of C-3 (Planned Community Shopping Center District) to R-1 (Single-Family Dwelling District) and R-4 (High Density Apartment District) zoning classification on the tracts of land which are hereinafter more particularly described in Sections 1 and 2 hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

30. Hold a public hearing regarding the Lawton Downtown Economic Development Project, Project Plan and Tax Increment District Number One, City of Lawton, for information and questions, and discuss accepting a City Ordinance to implement the same. Exhibits: Proposed Ordinance Approving and Adopting Project Plan and Establishing Increment District No. One, City of Lawton and Notice of Hearing published in the Lawton Constitution.

Mayor Purcell stated he has received three Conflict of Interest statements from Council members Shanklin, Jackson and Warren. He stated these three Council members will not participate in the discussion or the vote on this item.

Mitchell stated this ordinance will create the downtown redevelopment TIF District. Enclosed in the packet is a copy of the boundary description for the TIF District. He stated staff has been working on this project the last 18 months starting with the Lawton Urban Renewal Authority's decision to develop a downtown redevelopment program followed by the Chamber's discussions about a master plan for downtown. There has been a series of public meetings/hearings and a very productive review committee chaired by Council member Givens. All of the recommendations coming from the review committee and the City Planning Commission were unanimous. There is wide range community support for this effort and this project. Recently the LURA has agreed to continue the relationship with Leslie Bachelor, who will assist the City of Lawton in the implementation through the Lawton Economic Development Authority to begin receiving proposals and looking at ways to redevelop the downtown.

Patton questioned if the finalized plan has been submitted.

Mitchell stated the project plan has been approved by the review committee. It was also reviewed by the City Planning Commission and is in compliance with the 20/30 Land Use Plan and the Urban Renewal Plan for downtown. They have gone through all the public hearings and all the review steps.

Haywood questioned if staff had talked with the railroad.

Ms. Bachelor stated since this does not change any land use or affect anyone's taxes, they have not attempted to contact the railroad entities because they will be unaffected by the TIF District.

Haywood stated the grass near the railroads are never cut. He questioned why they do not get someone to cut the grass you see going through the cities.

Jackson stated some of the worse places in town are the railroad right of ways.

Mayor Purcell stated many years ago he got on the internet and he found the owners names. He called two of the Chairman of the Board at home and they contacted their local people to cut that grass. He stated he thought they contacted the Corporation Commission who threatened to take away their right of way and that finally got their attention.

Court Newkirk, Lawton-Fort Sill Chamber of Commerce, stated he has had numerous meetings with the Oklahoma Department of Transportation Railroad Division and also the Corporation Commission railroad lawyer. As part of the master vision plan developed by the downtown redevelopment committee of the Chamber, they have three different concepts for use of that property and they are fact finding between Stillwater Central Railroad, Union Pacific and Burlington Northern Santa Fe, because it appears there is a discrepancy in the ownership of the rail right of way on Railroad Avenue. He will report to the City Council on the progress.

Ms. Bachelor reiterated that this plan does not raise anyone's taxes, it does not change anyone's tax rate, it merely authorizes the city to recapture the cost of the public expenditures necessary to generate new private investment in the project area. She stated this was the result of a very collaborative effort by the review committee representing all the various taxing entities and it was their support for these boundaries, budget and for these goals. She stated she has worked with a variety of communities across the state and this was by far the best informed and best productive review committee she has had the chance to work with.

Jackson stated this TIF situation seems to be becoming very popular in a number of areas across the state. He questioned if it was becoming for prevalent.

Ms. Bachelor stated Oklahoma has only had the TIF law for about ten years, and as federal funds have dried up, the local development act is really the main state law tool that is out there for communities to use to try to generate

development locally.

Mitchell stated there was a change in state law a couple of years ago that allowed the entities using TIF districts to bond for twenty years versus a single year. This changed the view of TIFs and how they are used.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Givens, SECOND by Shoemate to adopt **Ordinance No. 06-15**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Givens, Drewry, Patton, Haywood. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 06-15

An ordinance approving and adopting the Lawton Downtown Economic Development project plan; designating and adopting the project area and increment district boundaries; establishing a date for the creation of Increment District No. 1, City of Lawton; authorizing the City of Lawton as the principal entity to carry out and administer the project plan; establishing a tax apportionment fund; declaring apportioned funds to be funds of the Lawton Economic Development Authority; authorizing the use of ad valorem and sales tax increment revenues for the payment or financing of certain project costs; authorizing the use of other resources to pay for or finance project costs; authorizing the Lawton Economic Development Authority to issue bonds and carry out certain provisions of the project plan; authorizing the Lawton Urban Renewal Authority to carry out certain provisions of the project plan; ratifying and confirming the actions, recommendations and findings of the review committee and the planning commission; providing for severability.

31. Consider awarding a construction contract to Bruton Construction Co., Inc. for the NW Hunter Road & NW 72nd Street Reconstruction Project #2005-16. Exhibits: None.

Patton stated he thought that we placed Bruton Construction on a moratorium.

Vincent stated that technically even though Bruton has been advised that they are being assessed liquidated damages for the 34th Street project, they have not actually been assessed because the project has not been completed and staff is unaware of the actual dollar amount that they are going to have to pay.

Patton stated he thought this happened after the 38th Street project.

Vincent stated 38th Street was a state project and they haven't finished that one either.

Patton stated he really thought we had put them on a moratorium.

Drewry stated she also believed this.

Jackson stated they laid out the structure, but they did not put them on.

Mayor Purcell stated there is an ordinance in place that basically says that once a company has to pay the liquidated damages, we will not accept bids from them for three years after that point in time.

Vincent stated they do not have to award to Bruton if they do not wish.

Patton stated this is his area and he would challenge anyone to find roads that are worse than this area. He stated they really need something done.

Shoemate stated there is really only a little over \$1,000 between Bruton and the Engineer's estimate. He personally does not want to see Bruton do any more work in this town.

Patton stated that is the quandary.

Mayor Purcell stated they do have the option to turn this down and go for bid again and hopefully get someone else to bid. He stated he has gotten numerous phone calls and he has walked 34th Street twice and it is a mess.

Drewry stated it is a very sad situation, because their finished product is very good, but the time it takes is very unrealistic.

Patton stated as much as he would like to get this project going, it would be worse if they did get the contract and it drug on for two and a half years.

MOVED by Patton, SECOND by Warren to reject all bids. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED

32. Consider approving an amendment to Council Policy No. 1-6, City Council Rules of Procedure, amending the provision on preparation of agenda, providing for the submission of agenda items, establishing the form of agenda items, establishing who may submit agenda items, when agenda items must be submitted, establishing a policy for the submission of addendums and revising the order in which agenda items shall be placed on the agenda and establishing an effective date. Exhibits: Proposed Amendment to Council Policy 1-6.

This item was stricken.

33. Consider approving an ordinance pertaining to stormwater detention to exempt development on parcels less than one acre in size and not part of a larger common plan of development from the requirements to provide stormwater detention and from the submittal of a drainage study for review, and declaring an emergency. Exhibits: Ordinance No. 06-___ and minutes from the April 13, 2006 City Planning Commission meeting.

Buckley stated this agenda item was initiated by the City Council at the last meeting to address the issue with two small businesses that were affected by the ordinance. The ordinance includes language to exempt commercial properties less than one acre from the stormwater requirements. He suggested an adjustment, but still keeping with the integrity of the ordinance. Most of the commercial properties today are agricultural with a lot of space and no run off. There is a lot run off with a one acre parcel. If we omit them from this requirement, there is no assurance that the water does not impact the streets or the neighbors. The Comanche Memorial Hospital is a good example. When they first developed the large block, there was green space surrounding the facility. As they have grown and developed, the entire block is concrete and now the runoff goes into the street and the tributary. He suggested they change the administrative policy and instead of requiring the study for a two, five, ten, twenty-five, fifty and one hundred year storm study, they only require a study for the one hundred year detention. That is the largest storm requirement. There are engineers in town that have the capability to get that done. The typical cost of the study would be \$500 or less. The impact to design for the detention would be based on the project and would be minimal.

Jackson stated there is concern about the cost, but also the delay in the project because there are not engineers available.

Buckley stated Lester Siegler has indicated that he has that capability and has actually submitted some studies.

Givens questioned who sets the administrative policy.

Buckley stated staff. This policy could be changed the following morning.

Shanklin questioned why they were even discussing this issue if it is mandated by the federal government. He questioned if we were making it more difficult.

Buckley stated the mandate is for the stormwater detention program and we are looking at maintaining the federal standard. Most of the FEMA, federal standard and state regulations recognize and actually design to the one hundred year storm. The flood fringe and floodway programs identify and address the one hundred year storm.

Shanklin questioned why the federal government didn't say you will do this. If it is not mandated, why are we doing this?

Buckley stated when you take a property that did not have a building on it, and now cover that with a building or parking lot, for the protection of the community as a whole, you need to identify what will be done with that water displacement that is being created.

Shanklin stated there is a limit to what we will let a person build on.

Vincent stated if one is developing a housing subdivision of greater than one acre and there are 75 x 100 foot lots, there must be a plan.

Shanklin questioned where the government says you must do this?

Vincent stated if less than an acre, there is no mandate from the federal government. But larger cities like Tulsa and Oklahoma do have a mandate for less than an acre. He does not know how large a city has to be to start moving into different phases of the stormwater management act.

Shanklin stated it is tough enough for a business to make it.

Drewry stated that all they are asking for is that a one hundred year study be done.

Mitchell stated that Mr. Buckley is recommending that the changes presented not be approved, but simply direct staff to change the administrative policy and only require a one hundred year study versus a series of studies.

Shanklin questioned if staff will automatically accept that study because it is done by an engineer.

Buckley stated the study will go to the License and Permit Center. Staff will run the model to insure the numbers and parameters match. They review to make sure the drainage flow is correct and they use the right parameters when they review that property off the drainage basin.

Shanklin questioned why staff does not provide that service and make that money if we are going to do it anyway.

Vincent stated that he does not believe this council wants to assume the liability if the study is wrong. If there is a PE stamp on that study that says it is correct and it is not, then that engineer is liable, not the City of Lawton.

Mayor Purcell stated they have seen examples when someone develops a lot less than an acre and soon you have four or five acres developed that are all flooding. That is what is causing some of the problems.

Shanklin stated the population was 75,000 in 1975 and we are somewhere around 85,000 or 90,000. We are acting like we are going to be a 150,000. He stated he just doesn't understand.

Joe Bailey, NE Euclid, stated he is concerned about piece mealism. There is open land immediately south of his home. The rise from his house is such that he has sheets of water running across his lot into the street and he lives fairly high up on the hill. He is concerned that if the lot behind him was developed without consideration for where that water is going, the front of that lot is higher than his roof line. If different developers bought individual lots and built them, under this suggestion, none would have to do a study. That would put all the residents and business owners in that area at risk.

Charlie Wright, Design Associates, stated that cost was not a big issue, but time is the issue. There are not enough engineering firms in Lawton that have the time to do this study. No engineer can come out and say the study will be \$500 without knowing what it involves. He stated they are doing a one hundred year study right now, but they have not been requiring it be done by a licensed engineer. He stated there is not enough staff to review the work that is in the license and permit center now. He has been doing the study for years and it goes to staff and is checked.

Mr. Thornton, representing Car-Mart, purchased property on the corner of B Avenue and SW Sheridan. He stated they would like to install a portable double car garage behind the building, but was told that because of the stormwater, it has to be on a concrete foundation and they will have to have another flood inspection done. He stated this is just a portable building that is anchored into the pavement.

Mayor Purcell stated the whole issue on this drainage issue is that we are trying to make sure that when something is built in the city of Lawton, other property does not get flooded. In the past we have not had the right things in place. This council has been struggling with this issue for years.

Shanklin questioned where we ever flooded other than those who built in the flood fringe, flood way, or by Numu Creek.

Mayor Purcell stated there is flooding out on 67th, Coronado and Skyline Addition.

Drewry stated it is also starting to flood on Homestead because of all the building.

Jackson stated that the federal government has mandated to the cities throughout the United States that we will have a stormwater maintenance program. The discussion tonight is if the City Council is going to maintain some degree of a stormwater program on one acre or less. The staff is trying to make this as lenient as possible but still have some degree of protection to the neighbor right next door.

Vincent stated in the past, we have allowed the unprofessional engineer analysis. He questioned what if they went back to that type of analysis for less than one acre and if there is an impact on the neighbors, detention is required. He stated this would be a compromise. He clarified that they are talking about those lots less than one acre, not one acre and less. He stated under Oklahoma law, the builder and developer and owner of the property is responsible for the flooding of the neighbors.

Mr. Wright stated they are fighting the time issue, the requirement for a licensed engineer, and the fact that there is no federal mandate that requires this. They are required that stormwater runoff not be polluted, and those types

of things. Even those are not required in one acre or less lots.

Vincent stated once again that they are dealing with less than one acre. One acre or more are included under the FEMA guidelines.

Mr. Wright stated on these very strict regulations, less than an acre is not included, yet we are making a regulation that is much stricter than the federal government requires.

Mayor Purcell questioned if Mr. Vincent's suggestion would work to change the administrative policy that anything less than an acre will not require a study done by a professional engineer.

Wright stated they have been doing a pre and post study regarding the discharge. He had no problem doing this and does not believe his clients would have a problem. It would be up to city staff to call him with any discrepancy. This would take away the time constraint.

Mayor Purcell clarified that if they do not change the ordinance, but direct the City Manager and staff to change the procedure to go back and use the process they have used all along without a professional engineer, this would be acceptable because it would cut out the cost and the time delay.

Mr. Wright stated they have to provide a map that shows the floodway and flood fringe on all projects. As far as pre and post, without all the engineering, just figuring the area that is being developed, he has no problem with that suggestion.

Jackson questioned what would happen if the developer and staff disagree.

Mitchell stated that the engineering division has a model that they can run, and if there is a difference, staff would go back to the developer and suggest that a professional engineer be consulted.

Jackson stated he is one of the most pro-business councilmembers, but he also does not want floodwater running over on the neighbor.

Drewry stated that they need to protect the residents and business people from flooding and right now they are not protected.

Buckley clarified that Mr. Wright is requesting that a non engineer be allowed to do the study and still be able to submit that for review as part of the study requirement. Currently we require that study to be actually sealed by an engineer. He stated this would still require a study and detention if detention is required. Staff will still analyze it whether it is done by a professional engineer or non professional engineer. If there is a conflict, staff will contact whoever submitted the study.

Shanklin stated he brought in a four page letter from city staff to a developer. He questioned how much time staff spent telling this developer to go back and make corrections. Staff should not have to spend that much time on those plans. He would send it back and say try it again.

MOVED by Jackson, SECOND by Drewry to direct staff to take the administrative action as discussed. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Drewry, Jackson. NAY: Givens. MOTION CARRIED.

34. Consider discussing the refuse services provided to residential vs. apartment complexes. Exhibits: Attachment A.

Carl Dentler, Assistant Public Works Director, stated this item was directed by the City Council in a previous meeting. There appeared to be some inequity between the cost of service to apartment complexes and the amounts of trash that could be disposed of. Staff did a study and found that there is a slight problem. He referred to attachment A. The ordinance gives the ability to place a two yard container for every 8 units in an apartment. A two yard container holds 404 gallons. If you divide 404 by 8 units, you wind up with slightly more than 50 gallons. The residential allotment is now 70 gallons. Staff has two options to handle this situation. Option one entails evaluating each apartment complex and providing additional dumpsters at the city's cost to equal that number of gallons of trash that could be disposed of. This would cost between \$150,000 and \$200,000. Option two, which is the staff recommendation, is to add one additional pick up day to the apartment complexes. This will increase the amount they can dispose of by 50%. This will get them slightly over what residential is allowed for the same \$11.17.

Shoemate questioned the cost for the additional one day pick up.

Dentler stated they can fit this into the current staffing and trucking. There is an incentive program with the trash collection where they work a little more in the winter and get off a few hours early in the summer. That incentive

program would be eaten into just a little. The commercial trucks which service some apartments and also businesses can also pick up some of the extra collections for apartments. They will spread this out over a six day period. They will probably see a little extra overtime on holidays.

Givens stated he does not see how you can add an additional day at no extra cost.

Dentler stated this would only be for apartments. There is a cost, but they are out there driving by a lot of these places when they do commercial pickups.

Shanklin stated that staff favors Option two, but the problem is that people drop stuff off at the complex. He questioned if they will pick up furniture or whatever has been discarded.

Dentler stated they do not pick up furniture, that would have to be hauled off by the complex owners.

Shanklin stated if we are trying to clean up the city, we are going to have to pick this up. We have done it for years, we picked up everything. Why would we leave a mattress, chair or box spring. We should pick up whatever is left at those 347 containers.

Mitchell stated that would require sending out an additional truck.

Dentler stated some of that debris cannot fit in the back of the rear loaders and those will be servicing those complexes. He stated if this is approved, it will not require an ordinance change. The current ordinance allows for no less than two pick ups.

MOVED by Jackson, SECOND by Warren to direct staff to implement Option Two as stated in Attachment A. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Drewry. NAY: Givens. MOTION CARRIED.

35. Consider receiving a report on the City's financial condition for the 3rd Quarter of fiscal year 2005-2006, and provide direction to staff. Exhibits: None.

Mitchell stated the City Council received a quarterly report for the month ending March 31st. He stated as of March 31st they have collected \$39,635,000 or 76%. Revenues are up slightly over what was budgeted. As of March 31st, they have encumbered \$29,881,000, and they are underspending by about 3.8%. With the net of revenue/expenditure, they have improved the cash flow by about 5%.

Patton stated that is amazing in light of the price of gas and everything else.

Mitchell stated the increased cost in the enterprise fund is due to the cost of chemical, fuels, utilities, etc.

Jackson questioned why water revenue is up but sewer revenue is down.

Mitchell stated for the last four or five months they have seen the reverse. He is not sure. He stated there was a request to form a committee when impact fees reached \$250,000. To date they have collected \$170,000.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Drewry reminded everyone of the Great Strides Walk on May 20th to raise money for cystic fibrosis.

Jackson stated his youngest daughter will be getting married on the 19th.

Shanklin stated on April 11th the City Council discussed dilapidated structures. He thought if a property goes on D&D, that means the whole issue, not just the roof is bad.

Vincent stated if a property goes on D&D and the owner pulls a remodel permit, they must bring the structure up to code.

Shanklin questioned if that meant the wiring and plumbing. He stated they have never declared just a part of a house dilapidated.

Vincent stated the whole structure has to be brought up to code before it can get off the D&D list.

Shanklin stated he has spoken to Commissioner Kirby about the E-911 merger. Commissioner Kirby stated he will place the issue on the County Commission agenda for the following Monday. Mr. Shanklin stated he wanted it on record that he does want this to be over in the courthouse because that is where it should be.

Jackson stated he would bring Mr. Shanklin up to date on where they are at on this issue. He will make sure he is invited to all their committee meetings.

Shanklin questioned if Great Plains Technology Center does not get the grant. Where are they now?

Mayor Purcell stated that has nothing to do with the consolidation of E-911. The proposal is that they consolidate E-911 in our building. The next step is to consolidate Emergency Operations at the basement of the County Courthouse. The County has taken no action. On top of that is a proposal by GPTC for construction of a secured facility. Whether or not they get the money to build that facility has nothing to do with the consolidation of E-911 or Emergency Operations. There are two issues going on, but they kind of work together.

Jackson stated he has been told that we need to move on this now.

Patton stated the old website had an email directory which is there no longer.

Mayor Purcell stated the City Charter has also disappeared.

Patton stated he had the honor of representing the Mayor and Council at the Solider of the Year award and he noticed that some of the other companies gave out statues and he thought we may want to give out something other than a proclamation. He suggested something that represents Lawton and Fort Sill.

Mayor Purcell stated there are reasons which Mr. Vincent will discuss.

Haywood stated he distributed a notice regarding the Juneteenth celebration. He thanked Sharon Cheatwood, Arts and Humanities Division, for creating the flyers and poster. He stated Crimestoppers will be hosting a picnic on May 13th. He stated his classmate from 1966, Larry McGee, is retiring from Booker T. Washington School in Tulsa.

Mayor Purcell stated a letter has been distributed which was requested from Great Plains Technology Center. The letter, requesting support for the construction issue discussed earlier, will be hand carried to the Speaker of the House and the President Pro-Tem of the Senate. Councilman Jackson, Greg Buckley, Chief Smith and Chief Hadley will be meeting with those state officials the next morning in Oklahoma City.

There were no objections and Mayor Purcell signed the letter.

Mayor Purcell stated there are a group of Mayors from Texas and Oklahoma who are opposing the repeal of the Wright Amendment. The Airport Authority has requested that he sign a letter in support that says we oppose the repeal of the Wright Amendment. He read the letter.

There were no objections and Mayor Purcell signed the letter.

Mayor Purcell reminded the City Council that budget meetings will start the following week.

The Mayor and Council convened in executive session at 9:20 p.m. and reconvened in regular, open session at 9:30 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

36. Consider convening in executive session pursuant to Section 307B.3, Title 25, Oklahoma Statutes, to discuss the sale of City owned property located at 306 SW A Avenue, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of item 36 shown above. He said the Council did receive a report on the possible sale of the property. No action is required.

There being no further business to consider, the meeting adjourned at 9:31 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.
JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/ Traci Hushbeck
TRACI HUSHBECK, CITY CLERK